

# FORM OF ORDER SHEET

Court of \_\_\_\_\_

Appeal No. 104/2024

S.No. Date of order proceedings Order or other proceedings with signature of judge

1

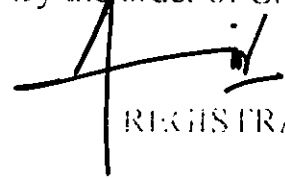
2

3

10/01/2024

The appeal of Dr. Bashir Ahmad received today by registered post through Mr. Shaukat Ullah Khan Battani Advocate. It is fixed for preliminary hearing before touring Single Bench at D.I.Khan on

By the order of Chairman

  
REGISTRAR

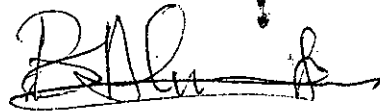
**BEFORE THE HONOURABLE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWAR, CAMP COURT DIKHAN.**

Service Appeal No. 104 /2024

Dr. Bashir Ahmad **VERSUS** Govt; of KPK etc  
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Your Humble Appellant:



**Dr. Bashir Ahmad**

Through counsel:

Dated: 6/1/2024



**Shaukat Ullah Khan Bettani**

Advocate High Court

Dera Ismail Khan

(1)

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWAR, CAMP COURT DIKHAN.**

Service Appeal No. 104 /2024

**Dr. Bashir Ahmad** (Ex-MO, BPS-17) S/o Mir Ahmad,  
Presently presiding at Street No. 4, Gillani Town, Tehsil &  
District Dera Ismail Khan, and permanent resident of  
Kirri Haider Tehsil & District Tank.

.....(Appellant)

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Secretary Finance, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts, Accounts Office, Dera Ismail Khan.
4. District Account Officer, District Account Office, District Tank.
5. Director General, Health Services, Khyber Pakhtunkhwa, Pakhtunkhwa, Peshawar.
6. District Health Officer (DHO), District Tank.
7. Medical Superintendent (MS) of District Headquarter Hospital Tank.
8. Manager National Bank of Pakistan, Main Branch, District Tank.

.....( Respondents)

**APPEAL UNDER SECTION-4 OF THE  
KHYBER PAKHTUNKHWA SERVICE  
TRIBUNAL ACT 1974 AGAINST THE  
ILLEGAL AND UNLAWFUL ACTS OF THE  
RESPONDENTS TO NOT PAYING /  
RELEASING THE G.P FUND, DUE AMOUNT  
ALONG WITH INTEREST / PROFIT TO  
THE APPELLANT.**

Respectfully Sheweth:-

Compendium of facts out of which present Appeal arises are as under:-

- 1- That from the date of initial appointment i.e 28/11/1995 to December 2008, the appellant served / remained as Medical Officer at District Headquarter Hospital Tank, during this period G.P Fund was deducted from his monthly salaries by the office of respondent No. 4 which is still lying with them. Copy of appointment letter is enclosed as **Annexure "A"**.
- 2- That thereafter the appellant was transferred from D.H.Q Hospital Tank to D.H.Q Teaching Hospital D.I.Khan and after attaining the age of superannuation the appellant retired from his service on 06/04/2015 vide Health Department Khyber Pakhtunkhwa Peshawar Notification No. SO(E)-11/11-03-2016 dated 01/03/2017.
- 3- That on 08/03/2017, the appellant applied to the respondent No. 4 for transferring his G.P Fund amount from Tank to District Account Office, Dera Ismail Khan, so that the appellant be-abled to draw the final payment of G.P Fund. Copy of such written request is enclosed as **Annexure "B"**.
- 4- That vide letter No. DAO/Tank/GP Fund/1509 dated 13/04/2017, the respondent No. 4 informed the respondents No. 6 & 7 that G.P Fund balance amounting to Rs. 89470/- in respect of appellant (Dr. Bashir Ahmad S/o Meher Khan) G.P Fund account No. Class 1/DK/768/css, Balance lying in his office in ledger No. V-class 1/TK has allegedly been paid through final payment vide his office GP Fund authority No. DAO/Tank/G-3/1272 issued to

M.S/DHO Tank dated 08/02/2004. Copy of letter is enclosed as **Annexure "C"**.

**5-** That neither the appellant applied for withdrawal of G.P Fund amount from the office of respondent No. 4, nor before retirement the respondent No. 4 is competent to pay final payment of the G.P Fund to any employee, even the appellant did not receive a single penny from respondent No. 4, in connection with GP Fund.

**6-** That thereafter, the appellant through proper channel made written request / complaint dated 14/04/2017 to respondent No. 2, on such complaint, an inquiry officer was appointed, he inquired the said matter but the Account Office, Tank badly failed to provide the relevant record to the said inquiry officer. Copy of letter / complaint dated 14/04/2017 of the appellant, copy of the letter dated 15/06/2017 and finding of the Inquiry Officer are enclosed as **Annexure "D, E, F & F1"** respectively.

**7-** That the meanwhile, the actual amount of the G.P Fund amounting to Rs. 62124/- which was lying with the office of respondent No. 3, was paid to the appellant with commitment that after receiving the G.P Fund amount of the appellant from respondent No. 4, the total amount along with interest will be paid to the appellant which is still not paid to the appellant by the respondent No. 3 as the G.P Fund amount lying with the respondent No. 4 is still not transferred to the office of respondent No. 3. Copy of letter dated 02/05/2019 is enclosed as **Annexure "F2"**.

**8-** That it is crystal clear that relevant officials of the Account Office, District Tank as well as office of the District Headquarter Tank embezzled, mis-appropriate the G.P Fund amount and interest profit thereon, dishonestly and fraudulently, that's why the appellant moved an application to Director Anti Corruption Establishment KPK, Peshawar for

taking legal action against the concerned officials, but was of no avail. Thereafter, the appellant file direct complaint on 10/03/2018 before the Honourable Special Judge Anti Corruption Southern District Camp Court at DIKhan which was disposed off and transmitted the complaint of the appellant to the good office of respondent No. 5 with direction to look into the matter and if it is found to be based on merit to take all necessary steps for redressal of his grievance in the form of payment of his dues if the law and rules so allow, but the respondent No. 5 did not take any step or legal action in respect of releasing the due amount of GP fund etc. Copy of complaint sent to DG Anti Corruption is enclosed as Annexure "G".

9- That the appellant also filed a Writ Petition No. 847-D of 2019 before the Honourable Peshawar High Court, Dera Ismail Khan Bench for recovery of GP Fund amount, which was converted as representation / departmental appeal vide order dated 12/09/2023 and transmitted to respondent No. 5 vide letter dated 20/09/2023 by the learned Additional Registrar, Peshawar High Court, Dera Ismail Khan Bench, but the respondent No. 5 did not decide the departmental appeal of the appellant within a stipulated period, so for the information of the appellant is concerned. Copies of Writ Petition and order dated 12/09/2023 is enclosed as Annexure "H & H1".

10- That being aggrieved and dissatisfied against the illegal act of the respondents for not transferring / releasing the G.P Fund amount of the appellant from District Account Office, Tank to District Account Office, Dera Ismail

5

Khan, the instant Service Appeal is being filed on the following grounds amongst others:-

**GROUND:-**

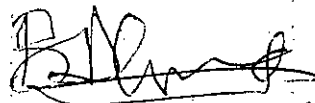
- a)** That before the retirement of the appellant, without sanctioned and fulfilling other formalities, the respondent No. 4 having no power or authority to release the final G.P Fund to the appellant. Hence, the plea of the respondent No. 4 to pay the final payment of G.P Fund to the appellant is false, baseless, concocted and is attempt to encroach upon the right of the appellant.
- b)** That neither the appellant applied to the respondent No. 4 for withdrawal of G.P Fund, nor any cheque or payment is handed over / made to the appellant and the respondent No. 4 is still liable to pay the G.P Fund amount along with interest / profit to the appellant.
- c)** That the appellant is still deprived from his due payment of G.P Fund amount on the basis of baseless plea of the respondent No. 4 and respondent No. 4 is liable to pay the same to the appellant.
- d)** That counsel for the appellant may kindly be allowed to raise additional grounds during the course of arguments.

***It is, therefore, humbly prayed that on acceptance of the instant Service Appeal, this***


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Honourable Tribunal will graciously be pleased to direct the respondent No. 4 to transfer the G.P. Fund amount along with interest of the appellant to the office of respondent No. 3 and will be further please to direct the respondent No. 3 to pay the final payment of G.P. Fund amount along with interest / profit to the appellant in the larger interest of justice.

Your Humble Appellant

  
**Dr. Bashir Ahmad**  
Through counsel

Dated: / /2024

  
**Shaukat Ullah Khan Bettani**  
Advocate High Court  
Dera Ismail Khan

**CERTIFICATE:-**

It is certified that it is first service appeal and no such petition on the subject above has ever been preferred in this Honourable Tribunal by the Appellant. And all the contents of above petition are true and correct.

  
**Dr. Bashir Ahmad**

**AFFIDAVIT**

I, **Dr. Bashir Ahmad** (Ex-MO, BPS-17) S/o Mir Ahmad, Resident of Street No. 4, Gillani Town, Tehsil & District Dera Ismail Khan, the appellant, do hereby solemnly affirm and declare on oath that all the parawise contents of the **Service Appeal** are true and correct and nothing has been deliberately concealed from this Honourable Tribunal.

  
**Deponent**  
**Dr. Bashir Ahmad**

**Identified by Counsel;**

  
**SHAUKAT ULLAH KHAN BETTANI,**  
**ADVOCATE HIGH COURT, DIKhan.**





7

DIRECTORATE GENERAL HEALTH SERVICES, M.P.P. PESHAWAR.

NO: 30943 P-I

DATE: 28/11/95

To:

Dr. Baqar Ahmad S/o  
Mir Ahmad

SUBJECT:- OFFER OF APPOINTMENT ON CONTRACT BASIS.

MEMORANDUM:-

Reference your application on the above subject for the post of Medical Officer/Women Medical Officer/Dental Surgeon.

1. The Competent authority is hereby appoint you as Medical Officer/Women Medical Officer/Dental Surgeon in the Health Department, Govt. of M.P.P, on contract basis in B-17 for a period of one year or till the availability of Public Service Commission selection/renewal of original incumbent from leave/deputation whichever is earlier, subject to terms and conditions laid down in the attached agreement. This shall be posted to TA NK. This contract appointment is not transferable.
2. This contract appointment is subject to the Medical Board constituted by the Government, which you will appear before the Medical Board constituted by the Government.
3. If you accept the offer of appointment on contract basis as a Medical Officer/Women Medical Officer/Dental Surgeon, the attached agreement deed should be filled in duly signed by you and should report at your own expense.
4. If you fail to report for duty at the station specified in para-3 above within Ten (10) days, the offer of appointment on contract basis will be deemed to have been withdrawn automatically and no further correspondence shall be entertained in this respect.

(DR. ABU WAJID KHAN ASHIDI)  
DIRECTOR GENERAL HEALTH SERVICES, M.P.P. PESHAWAR.  
/1995.

NO \_\_\_\_\_ /E.I. DATED PESHAWAR TH \_\_\_\_\_ /1995.

Copy forwarded to the

1. Secretary to Govt. of M.P.P, Health Deptt. Peshawar for information with reference to his letter No. SO(H) IV/3-18/95, dated 16th Nov. 1995.
2. Medical Superintendent, \_\_\_\_\_ for information and action.
3. Divisional Director Health Services, D. A. Khan
4. District Health Officer/Agency Surgeon, Tank
5. Accountant General, M.P.P. Peshawar.
6. District/Agency Accounts Officer, Tank for information and necessary action please.

Attended  
H.S. Shunkles

A thested to be  
in Tank copy  
B.A.W. de

amir  
jamal

RECEIVED  
DIRECTOR GENERAL HEALTH SERVICES  
PESHAWAR

B

P-102  
QSS-1  
(8)

To

The District Accounts Officer  
Tank

Subject:-

REQUEST FOR TRANSFER OF GP FUND AMOUNT UNDER GPFA/C NO.  
No. W-CDM-11, DIKhan-7681255

Sir,

It is submitted that I remained as MO at DHQ Hospital Tank from Nov:1995 to December-2008 and thereafter I was transferred to DHQ Teaching Hospital DIKhan, from where retired from Government service from 06.04.2015(photo copy attached).

I applied to DAO DIKhan for final payment of my GP Fund, I have been told that my GP Fund lying at Tank DAO Office should first be transferred from Tank to DAO Office DIKhan so that proper case is prepared.

It is requested to please transfer my GP Fund to DAO office DIKhan so that I may be able to draw my final payment of GP Fund.

An early action is requested.

My Personal No. is 00291147.  
My CNIC No. is 12102-1902450-7

Dated 08/03/2017

Dr. Bashir Ahmed.  
Ex. MO BPS-17

r/o \_\_\_\_\_

Cell No. 0340 908203 2

*Dr. No 484*  
*16-3-17*  
*(Signature)*  
*14/3/17*

291147

*No/1272*  
*Rs=89470/2*  
*To*  
*Final Payment*  
*in 08/08/17*

*12-7-17*  
*22/10/17*

*Attested*  
*Shams*

9

**OFFICE OF THE DISTRICT ACCOUNTS OFFICER TANK**

No: DAO/TANK/GP Fund/1509

Dated: 13/04/2017

To  
The M/S /DHO,  
District Tank

Subject: Request of GP Fund Transfer

Dr. Bashir Ahmad has applied for transfer of GP Fund to DAO D I Khan.

In this response you are informed that GP Fund Balance amounting to Rs. =89470/- in r/o Dr. Bashir Ahmad s/o Meher Khan, GP Fund No: class 1/DK/768/css, balance lying in this office in ledger V-class 1/TK has already been paid through Final Payment vide this office GP Fund Authority No: DAO/Tank/G-3/1272 issued to M/S / DHO Tank Dated 18/08/2004.

*M. S. / 13/4/17*  
District Accounts Officer  
Tank  
*13/04/17*

*A. I. Ahmad*  
*Shankar*

The Accountant General  
Khyber Pakhtunkhwa Peshawar

Respected Sir,

I have the honor to state that I worked as MO BPS-17 in DHQ Hospital Tank up from November 1995 to Dec: 2008 and further transferred to DHQ Teaching Hospital DIKhan from 1/2009 and now retired from service on attaining 60 years on 06.04.2015.

I submitted an application to District Accounts Officer Tank (copy attached) to transfer my G.P.Fund lying in Tank to District Accounts officer DIKhan. Instead transfer my balance GPF from Tank to DAO DIKhan, he addressed letter to MS/DHO Tank that they have already been paid through Final Payment vide GP Fund Authority for Rs.89,470/- Vide No. DAO/Tank/G-31272 issued to DHO Tank dated 18.08.2004 (copy attached).

Sir, it is a matter of astonishing that during service how can get any one Officer/official final payment of GP Fund while it is paid after retirement.

Therefore the matter may please be probed and strict action be taken against the defaulter with further request to direct the DA O Tank to transfer my GP Fund account to DAO DIKhan as the DAO DIKhan intimated that First GPF of Tank be transferred to DAO Office DIKhan for issue of final authority. (Photo copy attached).

My GPF A/c No. Class-I/DK/768/css

My Personal No. 00291147.

An early action is requested.

Thanking you in anticipation.

Yours Truly

Dr. Bashir Ahmed Ex. MO B-17  
r/o Street No., 4 Gilani Town

DIKhan

Cell No. 0340-908-2032

OFFICE OF THE MEDICAL HOSPITAL DIRECTOR MTI DHQ TEACHING HOSPITAL DIKHAN

No. 9286-87/PF

Dated at DIKhan the

27/04/2017

A copy is forwarded to:-

1. The Accountant General Khyber Pakhtunkhwa Peshawar with all the documents submitted by Dr. Bashir Ahmed Ex. MO B-17 DHQTH DIKhan for favor of further action.
2. Dr. Bashir Ahmed Ex. MO BPS-17 r/o Street No.4 Gilani Town DIKhan for information.

HOSPITAL DIRECTOR  
DHQ Teaching Hospital DIKhan

Attested  
Ahmed

OFFICE OF THE AGENCY ACCOUNTS OFFICER SWA TANK

AAQ/SWA 2016-2017/6567

Date 15-6-2017

11

To,  
The District Accounts Officer  
District Tank.

Subject:- final Payment of GP fund under Account No. Class-  
I/Dik/768/css in respect of Dr. Bashir Ahmad

Memo: - Please refer to the Accountant General Khyber Pakhtun Khawa Peshawar latter No. T-23(89)/Transfer/GPD/Vol-4/2016-17 dated 25-05-2017 address to the under signed (as inquiry officer) and copy to your office on the subject noted above ..

In this connection it is intimated that undersigned has nominated an inquiry officer for the subject case vide Accountant General Office latter No-cited at reference and as per your latter No. DAO/Tank/GP Fund /2016-17/341-43 dated 04-05-2017 the detail of GP fund Final Payment case in respect of the subject Doctor concerned mentioned there is.

However it is requested that please arrange to provide the following information documents at an early date to finalized the subject inquiring case .

- (1) GP Fund Final Payment Register (compilation).
- (2) GP Fund Bill & sanction of Final Payment of concerned Doctor.
- (3) Final Payment Authority (photocopy).
- (4) NIC photocopy of concerned doctor.
- (5) GP Fund Audit register. & B/Sheet.
- (6) Final payment Counter <sup>Folio</sup> of cheque of concerned doctor.

*Handwritten signature and date: 17/6/17*

*Handwritten signature*  
Munir Khan  
Assistant Accounts Officer  
Office Of the Agency Officer  
(SWA) Tank .

P.T.O

*Handwritten signature: Attested Shaukat*



OFFICE OF THE AGENCY ACCOUNTS OFFICER, SWA TANK.

No.AAO/SWA - Tank/2016-17/ 6058568

Dated. 20/07/2017.

To,

The Accountant General,  
Khyber Pakhtunkhwa,  
Peshawar.

Subject: FINAL PAYMENT OF GENERAL PROVIDENT FUND UNDER ACCOUNT NO. IV- CLASS -DIK-768/CSS TO DR. BASHIR AHMED.

Memo;

Please refer to your letter No. T/23(89)/Transfer/GPFund/Vol - I/2016-17, Dated. 25<sup>th</sup> May 2017, on the subject cited above.

In this connection it is stated that the undersigned has been nominated as inquiry officer for the subject matter in the light of your letter No cited at reference.

The undersigned as inquiry office has been visited that offices as several occasion and also write a letter to District Accounts Office Tank and District Health Office Tank for providing the documentary proof on accounts of subject case vide letter No.AAO/SWA/2016-17/6567, dated. 15<sup>th</sup> June 2017, AAO/SWA/2016-17/6568-69, dated 15<sup>th</sup> June 2017, and also issue a Reminder to both officers vide letter No.AAO/SWA/2016-17/ and AAO/SWA/2016-17/6638-39, 6640-41 dated. 05<sup>th</sup> July 2017, (copies attached).

Where as reply of District Accounts Office Tank has been received vide this letter No.DAO/Tank/Admn:/4183-84, dated. 12<sup>th</sup> July 2017, under which, that office has been intimated that as per record of District Accounts Officer Tank payment Authorities of the sum of Rs=89470/-(Eighty Nine Thousand, Four Hundred, Seventy Only), has already been issued to the District Health Officer Tank and further added that all the record up to 30/06/2008 including the record of above subject case has already been handed over to the nominated contractor namely Mr. Nasrullah for destruction, so no record relating to subject case is available in District Accounts Office Tank, except the related GP Fund ledger.

Whereas reply form District Health Officer Tank has been received vide their letter No. 3046/E-I, dated: 06/07/2017 under which that office intimated that there is no record of the said GP Fund i.e sanction from the competent authority, secretary health application and office copy of GP Fund and entry of GP Fund is not maintained in-cash book.

In view of the above due to non providing of adequate proof the reply of District Accounts Officer Tank and District Health Officer Tank are enclose for your further necessary action Please.

Copy to:-

1. The District Accounts Officer, Tank.
2. The District Health Officer, Tank.
3. Doctor Concerned.

Attested  
Shamsh

Munir Khan,  
Ass: Accounts Officer,  
AAO, SWA, Tank.

Munir Khan,  
Ass: Accounts Officer,  
AAO, SWA, Tank.

From The M.S. DHQ Hospital D.I. KHAN.  
 To, The District Account Officer  
 D. I. Khan PNO. 291147  
 Subject. FINAL PAYMENT OF G. P. FUND ACCUMULATION IN  
RESPECT OF DR Babir Ahmad  
GP FUND ACCOUNT NO Class-I/DIK/768/CS.

Memorandum

I forwarded herewith a claim for the final withdrawal of GPF Accumulation in respect of DR Babir Ahmad Ex-M.O. who has been standing to his credit under G.P Fund Account No. Class-I/DIK/768/CS. It is therefore requested the necessary particulars required in connection with his final payment are given in the questionnaire from given below:-

1. The actual date forenoon of or afternoon of retirement etc. 07-04-2015 (FN)
2. In case of resignation is should be stated if the resign is accepted. NA
3. In case of discharge, the reason for the same may be stated. NA.
4. Amount of the last fund and action with Nos. 123 of Treasury vouchers of the bill with date of its encasement from which is was deduction. 02-05-2015

NOTE- No deduction of the monthly subscription should be made from the employer of the who is on leave preparatory to retirement or if Govt by the GPF K.P.K.(Services) Rules from the month in which application under sub-section ( ) to rule 31 is made

ATD  
 SECTION 5  
 PNO 1077

5. Name of the treasury to which payment of the provident fund money is desired. D.I. KHAN
6. (a) In case of dismissal whether the officers has filed or intends to fills an appeal; If the appeal has been rejected, the date of rejection (b) If no appeal has been filed, yet the date on which the period of his appeal will expires. NA
7. The correct G.P. Fund Account No verified from the statements furnished to the depositor by this office year to year. Class-I/DIK/768/CS.

96  
 15/03/07

A certificate from the appropriate sanctioning (appointing) authority showing date that no amount from G.P. Fund was granted to DR Babir Ahmad and that he / she has not drawn any amount either for payment insurance premium or for a new insurance policy during the last 22 months prior to the date of his retirement / resignation to which full particulars be given.

NOTE:- Where ever so required the certificate should be obtained from the appointing authority separately & furnished with this application. Unpassed case the remarks shall be credit given to the office  
 9. To his provident fund account maintained departmentally, if so given some details of the balance now payable. If not furnished he last fund statements received from the audit office alongwith the particulars of the subsequent deduction. to proceed further in the matter please

ATD  
 Shamba

Signature of Officer

OFFICE OF THE DISTRICT ACCOUNTS OFFICER DERA ISMAIL KHAN

No. Fund-II/DAO-DIK/G-3/2016-17/277

Dated 2/5/2018

To

The DHO  
Felling Hospital

P-100  
J-CI 8  
P.N. 291147

Subject:

FINAL PAYMENT OF G.P FUND AUTHORITY

IN R/O Dr. Basim Ahmad S/O Amir Ahmad

A/C NO. W/C-I/DA/1768

Sir,

With referenc to

Memo No

Dated

I have the honour to request to arrange for the payment of

Rs. = 62124/- Rupees Sixty two thousand and twenty four only  
In respect of Dr. Basim Ahmad

Mr/Mrs/Ms

by presenting a bill at the pre-audit counter of this office after verification and entitlement under G.P Fund rules.

The amounts re-present the available tentative /residual balance of G.P Fund of the subscriber under his G.P Fund Account No. W/C-I/DA/1768/- with interest calculated thereon to the end of a sum of Rs. = 1553/-

Rupees One thousand five hundred and fifty three only  
May be deducted on account of Zakat Fund and credited to the head "3900" Zakat Fund Provincial ANCES PAR,T,T on account of Zakat quarter

Schedule of deduction may please be attached with the bill. An under taking to the effect that any amount fund over paid to him/her will be refunded him/her may please be obtained from the claimed and sent with bill, upon his CZ-50 Zakat exemption declaration dated Zakat may not be deducted. The payee should inform that he she shall have accept the amount when tendered and no interest will be allowed thereafter.

The bill may please be classified as under:-

Head of Account

G06103.Gross Amount Rs. = 62124/-

State Pro:Fund

G10304.Zakat Deduct: Rs. = 1553/-

GP Fund (G06103)

G06103. Net Amount Rs. = 60571/-

*[Signature]*  
District Accounts Officer  
Dera Ismail Khan

Copy for information with reference to his

- 1). \_\_\_\_\_
- 2). \_\_\_\_\_

*[Signature]*  
Ahmed

District Accounts Officer  
Dera Ismail Khan



To

The Director  
Anti Corruption Establishment  
Khyber Pakhtunkhwa  
Peshawar

Respected Sir,

I have the honor to state that I was working as Medical Officer DHQ Hospital TANK from Nov: 1995 to December-2008.

Then I was transferred from DHQ Hospital Tank to DHQ Teaching Hospital DIKhan in January-2008. I retired from Government Service on 06.04.2015 vide Health Department KP Peshawar Notification No. SO (E)H-II/11-03-2016 Dated 01.03.2017.

I applied to DAO Tank for transfer of my GP Fund amount from Tank to DAO Office DIKhan so that I may be able to draw my final payment of GP Fund.

The DAO Tank addressed MS/DHO of District Tank instead me & informed them that GP Fund Balance amounting to Rs.89470/- In r/o Dr. Bashir Ahmed (s/o MI Ahmed) GP Fund A/c No. Class-I/DIK/768.css has already been paid through final payment dated 18.08.2004. I have not received my GP Fund. My GP Fund is drawn by concerned officials through fraud/dishonestly embezzlement and corruption which is cognizable offence.

Therefore It is requested that the above said GP Fund matter may please be inquired through concern Anti Corruption official and punishment may be given to concern and I may please be favored by granting my actual GP Fund along with interest for which I shall be highly obliged.

Thanking you in anticipation.

Dated 04/10/2017.

Yours Obediently

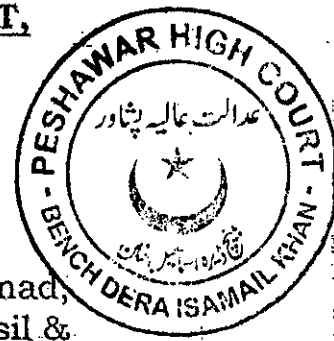


Dr. Bashir Ahmed  
Ex. Medical Officer  
DHQ Teaching Hospital DIKhan  
Mob: 0340-908-2032

Attested  
Ahmed

**BEFORE THE HONOURABLE PESHAWAR HIGH COURT,  
BENCH DERA ISMAIL KHAN.**

Writ Petition No. \_\_\_\_\_/2019



**Dr. Bashir Ahmad** (Ex-MO, BPS-17) S/o Mir Ahmad,  
Presently presiding at Street No. 4, Gillani Town, Tehsil &  
District Dera Ismail Khan, and permanent resident of  
Kirri Haider Tehsil & District Tank.

.....(Petitioner)

**VERSUS**

1. Government of Khyber Pakhtunkhwa, through Secretary Finance, Khyber Pakhtunkhwa, Peshawar.
2. Accountant General, Khyber Pakhtunkhwa, Peshawar.
3. District Comptroller of Accounts, Accounts Office, Dera Ismail Khan.
4. District Account Officer, District Account Office, District Tank.
5. Director General, Health Services, Khyber Pakhtunkhwa, Pakhtunkhwa, Peshawar.
6. District Health Officer (DHO), District Tank.
7. Medical Superintendent (MS) of District Headquarter Hospital Tank.
8. Manager National Bank of Pakistan, Main Branch, District Tank.

.....( Respondents)

**WRIT PETITION UNDER ARTICLE 199 OF  
CONSTITUTION OF ISLAMIC REPUBLIC OF  
PAKISTAN, 1973, FOR RELEASING G.P FUND  
AMOUNT ALONG WITH INTEREST AND  
PROFIT TO THE PETITIONER ACCORDING  
TO LAW & RULES.**

*Abbas*  
66-01-24  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

NOTE:-

Addresses given in title are sufficient for service of the parties.

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Respectfully Sheweth:-

BRIEF FACTS:-

The petitioner respectfully submits as under:-

- 1- That from the date of initial appointment i.e 28/11/1995 to December 2008, the petitioner served / remained as Medical Officer at District Headquarter Hospital Tank, during this period G.P Fund was deducted from his monthly salaries by the office of respondent No. 4 which is still lying with them. Copy of appointment letter is enclosed as Annexure "A".
- 2- That thereafter the petitioner was transferred from D.H.Q Hospital Tank to D.H.Q Teaching Hospital D.I.Khan and after attaining the age of superannuation the petitioner retired from his service on 06/04/2015 vide Health Department Khyber Pakhtunkhwa Peshawar Notification No. SO(E)-11/11-03-2016 dated 01/03/2017.
- 3- That on 08/03/2017, the petitioner applied to the respondent No. 4 for transferring his G.P Fund amount from Tank to District Account Officer, Dera Ismail Khan, so that the petitioner be-abled to draw the final payment of G.P Fund. Copy of such written request is enclosed as Annexure "B".
- 4- That vide letter No. DAO/Tank/GP Fund/1509 dated 13/04/2017, the respondent No. 4 informed the respondents No. 6 & 7 that G.P Fund balance amounting to Rs. 89470/- in respect of petitioner (Dr. Bashir Ahmad S/o Meher Khan) G.P Fund account No. Class

*Alhank*

*06/06/2019*  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

1/DK/768/css, Balance lying in his office in ledger No. V-class 1/TK has already been paid through final payment vide his office GP Fund authority No. DAO/Tank/G-3/1272 issued to M.S/DHO Tank dated 08/02/2004. Copy of letter is enclosed as Annexure "C".

5- That neither the petitioner applied for withdrawal of G.P Fund amount from the office of respondent No. 4, nor before retirement the respondent No. 4 is competent to pay final payment of the G.P Fund to any employee, even the petitioner did not receive a single penny from respondent No. 4, in connection with GP Fund.

6- That thereafter, the petitioner through proper channel made written request / complaint dated 14/04/2017 to respondent No. 2, on such complaint, an inquiry officer was appointed, he inquired the said matter but the Account Office, Tank badly failed to provide the relevant record to the said inquiry officer. Copy of letter / complaint dated 14/04/2017, of the petitioner, copy of the letter dated 15/06/2017 and finding of the Inquiry Officer are enclosed as Annexure "D, E, F & F1" respectively.

7- That the meanwhile, the actual amount of the G.P Fund amounting to Rs. 62124/- which was lying with the office of respondent No. 3, was paid to the petitioner with commitment that after receiving the G.P Fund amount of the petitioner from respondent No. 4, the total amount along with interest will be paid to the petitioner which is still not paid to the petitioner by the respondent No. 3 as the G.P Fund amount lying with the respondent No. 4 is still not transferred to the office of respondent No. 3. Copy of letter dated 02/05/2019 is enclosed as Annexure "F2".

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8- That pension benefits from the initial appointment date was allowed by this Honourable Court vide judgment dated 24/04/2019. Copy of judgment is enclosed as Annexure "G".

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EXAMINOR  
Cera Ismail Khan

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9.

That it is crystal clear that relevant officials of the Account Office, District Tank as well as office of the District Headquarter Tank embezzled, mis-appropriate the G.P Fund amount and interest profit thereon dishonestly and fraudulently, that's why the petitioner moved an application to Director Anti Corruption Establishment KPK, Peshawar for taking legal action against the concerned officials, but was of no avail. Thereafter, the petitioner file direct complaint on 10/03/2018 before the Honourable Special Judge Anti Corruption Southern District Camp Court at DIKhan which is still pending without no progress. Copy of the application dated 04/10/2017 is enclosed as Annexure "H".

10.

That against the illegal act of the respondents for not transferring the G.P Fund amount of the petitioner from District Account Office, Tank to District Account Office, Dera Ismail Khan, the instant Writ Petition is being filed on the following grounds amongst others:-

GROUND:-

a)

That before the retirement of the petitioner, without sanctioned and fulfilling other formalities, the respondent No. 4 having no power or authority to release the final G.P Fund to the petitioner. Hence, the plea of the respondent No. 4 to pay the final payment of G.P Fund to the petitioner is false, baseless, concocted and is attempt to encroach upon the right of the petitioner.

*Ahmed*  
ESTC  
06-01-2019  
EXAMINOR  
Peshawar High Court Bench,  
Dera Ismail Khan

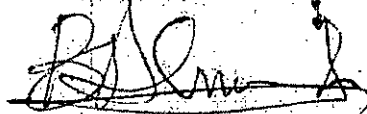
b) That neither the petitioner applied to the respondent No. 4 for withdrawal of G.P Fund, nor any cheque or payment is handed over / made to the petitioner and the respondent No. 4 is still liable to pay the G.P Fund amount along with interest / profit to the petitioner.

c) That the petitioner is still deprived from his due payment of G.P Fund amount on the basis of baseless plea of the respondent No. 4 and respondent No. 4 is liable to pay the same to the petitioner.

d) That counsel for the petitioner may kindly be allowed to raise additional grounds during the course of arguments.

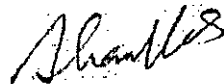
*It is, therefore, humbly prayed that on acceptance of the instant Writ Petition, this Honourable Court will graciously be pleased to direct the respondent No. 4 to transfer the G.P Fund amount of the petitioner to the office of respondent No. 3 and will be further please to direct the respondent No. 3 to pay the final payment of G.P Fund amount along with interest / profit to the petitioner in the larger interest of justice.*

Your Humble Petitioner



**Dr. Bashir Ahmad**  
Through counsel

Dated: 3/9/2019



**Shaukat Ullah Khan Bettani**  
Advocate High Court  
Dera Ismail Khan

*Attested*  
*06-01-2019*  
**EXAMINOR**  
Peshawar High Court Bench,  
Dera Ismail Khan

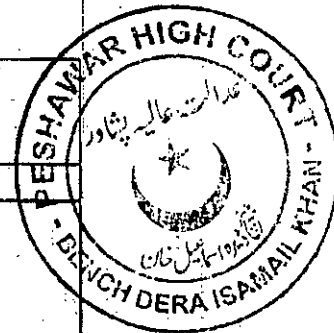
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PESHAWAR HIGH COURT, D.I. KHAN BENCH

FORM OF ORDER SHEET

Date of order or proceedings	Order or other proceedings with signature of Judge(s).
(1)	(2)
12.9.2023	<p><u>W.P. No.847-D/2019.</u></p> <p><u>Present:-</u> Mr: Shaukat Ullah Betani, Advocate for the petitioners.</p> <p>Malik Muhammad Asad, Addl: A.G. for the respondents.</p> <p style="text-align: center;">***</p> <p><u>DR. KHURSHID IOBAL, J.-</u> Through the instant writ petition under Article 199 of the Constitution of Islamic Republic of Pakistan, 1973, the petitioner has sought the following relief:-</p> <p style="text-align: center;"><i>"It is, therefore, humbly prayed that on acceptance of the instant writ petition, this Honourable Court will graciously be pleased to direct the respondent No.4 to transfer the G.P Fund amount of the petitioner to the office of respondent No.3 and will be further pleased to direct the respondent No.3 to pay the final payment of G.P Fund amount alongwith interest/profit to the petitioner in the larger interest of justice".</i></p> <p>2. The learned Addl: A.G. raised a preliminary objection that this Court lacks jurisdiction in view of the bar contained under Article 212 of the Constitution of Islamic Republic of Pakistan, 1973, as the petitioner is a civil servant and according to Section 19 of the Khyber Pakhtunkhwa Civil Servant</p>



*Handwritten signature/initials*

  
 06-01-24  
 EXAMINOR  
 Peshawar High Court Bench,  
 Dera Ismail Khan

Act, 1973, pensionary benefits come under the terms and condition of service and exclusive jurisdiction in this regard lies with the concerned Service Tribunal. When confronted with this situation, learned counsel for the petitioner candidly conceded the same, however, he has apprehension about the time spent in pursuing the litigation.

3. We are very much aware about the miseries being faced by the petitioner, therefore, in order to do complete justice, this petition is converted into representation/departmental appeal and transmitted to the respondent No.5 for a decision in accordance with law. Office is directed to send the original file and obtain copies of the writ petition alongwith its annexures.

Announced  
Di: 12.9.2023.

  
JUDGE


  
JUDGE

  
13/09

Kifayat\*

(D.B)

Hon'ble Mr. Justice Muhammad Fahcem Wali  
Hon'ble Mr. Justice Dr. Khurshid Iqbal

  
06/01/24  
EXAMINOR  
Punjab High Court Bench,  
Dera Ismail Khan



R.R.

G.R.No. 62.  
 Application Received on 06-01-024  
 Copying Fee deposited Rs —  
 No of Papers 077-  
 Copying Fee 041-  
 Urgent Fee —  
 Total Fee —  
 Copy ready for delivery 06-01-024  
 Copy delivered on 06-01-024  
 Signature of Examiner [Signature]

Certificate to be true Copy  
[Signature] 06/01/024

EXAMINOR  
 Peshawar High Court, Peshawar  
 Authorized under Section 97 of  
 Qanun-e-Shahadaat-1908

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**BEFORE THE HONOURABLE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWAR, CAMP COURT DIKHAN.**

C.M No. \_\_\_\_\_/2024

In Service Appeal No. \_\_\_\_\_/2024

Dr. Bashir Ahmad **VERSUS** Govt; of KPK etc

**APPLICATION U/S-5 R/W SECTION-14 OF  
LIMITATION ACT FOR CONDONATION OF DELAY.**

**Respectfully Sheweth:-**

- 1- That accompanying Service appeal is being filed before this Honourable Tribunal and the contents of main service appeal may graciously be treated as part and parcel of this application.
- 2- That the service appeal is well within time and there is no delay in filing of the accompanying service appeal before the Honourable Tribunal as the earlier the appellant filed Writ Petition before Honourable Peshawar High Court, Dera Ismail Khan Bench, on the instant subject in good faith with due care and caution, the Honourable Peshawar High Court, Dera Ismail Khan Bench converted the said Writ Petition into representation / departmental appeal vide order dated 12/09/2023 and transmitted to respondent No. 5 vide letter dated 20/09/2023, so in this way the appeal is well within time, but due to precautionary measurement this application is being filed.
- 3- That valuable rights of the appellant are involved in the main appeal. Hence the appeal of the appellant may graciously be disposed on merits.

***It is, therefore, humbly prayed that on acceptance of the instant application, the delay if any may kindly be condoned in the light of above submissions.***

Your Humble Appellant



**Dr. Bashir Ahmad**

Through counsel

Dated: 6/1/2024

**Shaukat Ullah Khan Bettani**

Advocate High Court

Dera Ismail Khan

**BEFORE THE HONOURABLE SERVICE TRIBUNAL,  
KHYBER PAKHTUNKHWAR, CAMP COURT DIKHAN.**

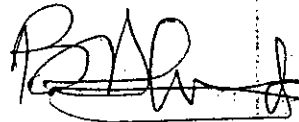
C.M No. \_\_\_\_\_/2024

In Service Appeal No. \_\_\_\_\_/2024

Dr. Bashir Ahmad **VERSUS** Govt; of KPK etc

**AFFIDAVIT**

I, **Dr. Bashir Ahmad** (Ex-MO, BPS-17) S/o Mir Ahmad, Resident of Street No. 4, Gillani Town, Tehsil & District Dera Ismail Khan, the appellant, do hereby solemnly affirm and declare on oath that all the parawise contents of the **application** are true and correct and nothing has been deliberately concealed from this Honourable Tribunal.



**Deponent**  
**Dr. Bashir Ahmad**

